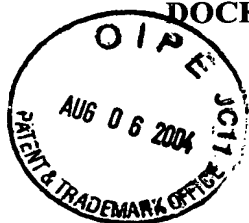


08-09-04

RCE

1638

Rf



DOCKET NO.: RUBC-0046 (99-002US)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joachim Messing, et al.

Application No.: 09/763,329

Filing Date: July 9, 2001

For: COMPOSITIONS AND METHODS FOR PRODUCING HIGH-LEVEL SEED
SPECIFIC GENE EXPRESSION IN CORN

Confirmation No.: 4832

Group Art Unit: 1638

Examiner: Ashwin D. Mehta

EXPRESS MAIL LABEL NO: EL 999286297 US
DATE OF DEPOSIT: August 6, 2004

EL 999286297US

☒ Mail Stop AF ☐ Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the
above-identified application.

1. Submission required under 37 CFR § 1.114

- ☐ Previously submitted
- ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously
filed on . (Any unentered amendment(s) referred to above will
be entered).
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously
filed on .
- ☐ Other: .
- ☒ Enclosed

08/10/2004 HRL111 00000009 09763329

385.00 OP
55.00 OP

01 FC:2801
02 FC:2251

- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR § 1.17(i) required)

FEE CALCULATION:

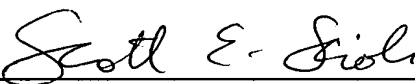
				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$385.00	\$770.00	\$
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	12	21 (20 MINIMUM)	0	\$9 EACH	\$0.00	\$18 EACH	\$
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$43 EACH	\$0.00	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$0.00	\$290	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$55.00	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$0.00	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0.00	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$0.00	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$0.00	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0.00)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0.00	\$110	\$
TOTAL FEE DUE					\$440.00		\$

- ☒ A check in the amount of **\$440.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☐ A response to the _____ dated _____ was due on _____. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).

- ☒ A Notice of Appeal was filed May 5, 2004. However, the PTO stamp is dated May 7, 2004. Therefore, an Appeal Brief is due on July 7, 2004. Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from July 7, 2004 to and through August 7, 2004 comprising a total extension of one month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: August 6, 2004



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Facsimile: (215) 568-3439